

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ZEV AND LINDA WACHTEL, *et al.*,

Plaintiffs

V.

HEALTH NET, INC., HEALTH NET
OF THE NORTHEAST, INC., and
HEALTH NET OF NEW JERSEY, INC.

Defendants.

Civ. Docket No. 01-4183
Hon. Faith S. Hochberg, U.S.D.J.

RENEE MCCOY, individually and on
behalf of all others similarly situated,

Plaintiffs

V.

HEALTH NET, INC., HEALTH NET
OF THE NORTHEAST, INC., and
HEALTH NET OF NEW JERSEY, INC.

Defendants.

Civ. Docket No. 03-1801
Hon. Faith S. Hochberg, U.S.D.J.

ORDER

Date: March 13, 2007

This matter having come before this Court upon the Court’s December 6, 2006 Opinion and Order; January 3, 2007 Order; January 30, 2007 Order; February 14, 2007 Order; and the March 1, 2007 and March 12, 2007 letter from Special Master Fleming to this Court; and

it appearing that Special Master Fleming's March 1, 2007 letter states that she has changed law firms and is now a Partner at Nixon Peabody, LLP and that she is "unaware of any

conflicts or any other reason why I cannot continue to serve as a Special Discovery Master in this case;” and

it appearing that Defendants’ March 2, 2007 letter states that “there are past and current cases in which Nixon Peabody has represented or is representing clients with interests adverse to Health Net, Inc., its predecessor or subsidiary entities” and that “Defendants are willing to waive the conflict provided that you and anyone working with you throughout your appointment on this matter in your capacity as Special Master are screened and remain screened from any matter in which Nixon Peabody or any of its lawyers represents any clients with interests adverse to Health Net;” and

it appearing that Plaintiffs have no objection to Ms. Fleming continuing to serve as a Special Master in this case, *see* Ms. Fleming’s March 12, 2007 Affidavit; and

it appearing that Special Master Fleming’s March 12, 2007 Affidavit states that “we have instituted a screening mechanism/firewall at Nixon Peabody, which firewall is memorialized in the attached March 9, 2007 memo;”

IT IS on this 13th day of March, 2007,

ORDERED that Cathy Fleming shall continue as Special Master in this case as set forth in the Court’s January 30, 2007 Order and February 14, 2007 Order.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.